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FOR THE KENTUCKY GAZETTE.
ON CLASSICAL LITERATURE.
PHILOLOGUS, No. II.

Read Homer once, and you can read no more:—For all books else appear to me to poor, & Verse will seem poor; but still peradix to read, & Homer will be all the books you need.

DUKE OF BUCKINGHAM.

The late authors are possessed of uncommon excellencies.—The Roman historians are the best that ever existed.

GOWIN.

HAVING in the preceding number made a few observations on the morality of the ancient classics, I next proceed to say something of their literary merit compared with that of the moderns.—And, here, was I possessed of the penetrating wit, and satirical humour of a *Swift*, I might draw up the ancient and modern armies in battle array, marshal their troops, and lead them on to the mighty contest, “hived to fluid, and lance to lance opposed.” But as I have neither genius nor inclination for military description, I shall content myself with discussing the subject as briefly as possible.

The ancients have heretofore been universally considered as the best models for imitation in history, oratory, and poetry; and I must acknowledge, I have never yet met with any reasons advanced, of sufficient weight, to incline me to think the general admiration misplaced. The reputation of such writers as Homer, Virgil, Demosthenes and Cicero, notwithstanding the furious attacks of some upstart Gothic and taetitulus Vandals, is established upon a foundation firm and immoveable as a rock of adamant. Amidst all the vicissitudes of human affairs—while other empires fall around, and the wrecks of time strike the traveller with astonishment, these immortal productions shall still stand towering towards heaven, as eternal monuments of ancient genius.

Their celebrity must be the necessary consequence of their intrinsic worth; because it depends on the almost universal taste of mankind, for the space of more than eighteen centuries. Imperfections are, indeed, discoverable in their works, passages faulty and even purile may be found in their writings; but these, when we consider the countless number of their superlative beauties, are swallowed up as a drop of water in the immense ocean. There is an argument in favour of these distinguished writers, almost equal to a mathematical demonstration:—they perfectly accord with the common standard of human nature: their works being only a transcript of nature's page, must therefore, be no less perennial than creation itself. They impress the general feelings of mankind almost as forcibly as the immediate voice of nature herself. In matters of taste where lies the appeal? Where is the criterion? Where is the standard, and where the grand tribunal to which we must apply for a decisive judgment? Not alone the professors of schools and universities—not to the abstract speculative philosopher; nor the dry abstract metaphysician; but to the common feelings and sentiments of mankind. These have, certainly, been long enough consulted on the subject of classical merit. They have been applied to not for a few years only; but for many centuries, and throughout all republics, states, and kingdoms, where the rays of science have in any degree dispelled the darkness of barbarism, or humanized the savage breast. The natural simplicity, energy and pathos of those super-eminent authors, who, like the impetuous as a flail of ethereal fire, have thrashed along the nerves, and warmed the human heart, in every age: in consequence of which effects constantly produced by the same cause, they have declared their sentence, pronounced the verdict and given their united sanction to the works of superior genius.

“In matters of mere reasoning, says a very judicious critic, the world may be long in an error, and may be convinced of the error by stronger reasoning when produced. For this reason a certain of philosophy receives no sufficient sanction from its antiquity or long currency.”—Old theories may be exploded and new ones adopted in their stead. But in works of taste there can be no such vicissitudes; their dependence is not upon the progress

of improvement of science; but upon the natural formation of the human mind, which, making allowances for the difference of culture, is invariably the same in all the sons and daughters of Adam. In matters of taste, therefore, as in the intricate mazes of philosophic speculation. That “the universal feeling of mankind, is the natural feeling & consequently the right feeling,” is no less peripatetic than, *all the three angles of a triangle taken together are equal to two right angles.*—But some person may here object and ask, is the public never deceived? Does it never pass a wrong judgement on a poetical, or rhetorical composition? To this I answer, it can never be long imposed upon. “It is true a very paltry performance, when it coincides with the interests and prejudices of a party; or betters any prevailing vice or folly, and agrees with the humours and inclinations of the populace, or of a demagogue whose opinions they respect, may be for some time in vogue, and even supplant a work of much greater merit; but this fondness is never lasting; for, as soon as the zeal and enthusiastic fervor of passion subsides, a work without sufficient merit to support it, falls down to its proper place—“To dumb oblivion's ever deaf'd shade.” Besides such a performance is esteemed, or celebrated in only one nation or country; it can never obtain a general currency in different countries, among nations of different manners customs and genius—its reputation is only local and temporary; never extensive and permanent.

The subject of the comparative merit of the ancients and moderns have already been discussed, by several late writers, in so masterly a manner, that to those who wish to form a full estimate of ancient composition, I particularly recommend the perusal of them. The authors to whom I particularly allude, are Blair, Knox, and Godwin, who, for correctness of judgement liberality and refinement of sentiment, perspicuity and elegance of language, justly claim a distinguished rank among the writers of the present age.—My design in this place, is only to offer a few remarks on those parts of the subject, which have been but little insisted on by preceding writers.—In general, when we compare the writings of the ancients, with those of the moderns, we are struck with the following characteristic difference. On the side of the ancients we generally discover more sublime conceptions, greater simplicity, more vigor and strength of imagination & greater fertility of genius. On the part of the moderns, we commonly perceive more art, more correctness, greater refinement; but less originality.—This rule is not without its particular exceptions—Shakespeare seems to have drawn his inspiration from the purest fountain of nature—he is a strong bold, nervous writer, full of sublime and noble sentiments.—But amidst the greatest beauties, so many irregularities, low conceits, gross blunders, coarse and vulgar expressions, occur frequently as to leave the reader in doubt whether his uncommon excellencies on the one side are not more than counterbalanced by his glaring deformities on the other.

In poetry, eloquence and history, the ancients have greatly the superiority. But in natural philosophy and all sciences the knowledge of which is progressive, we have undoubtedly gained some advantages as these things cannot be brought to perfection but by long and continued experience.—In epic poetry, Homer shines as yet unrivaled. In simplicity, invention, native fire and impressivity, he excels all other poets. Among the moderns, Milton is commonly placed in the front, and indeed, a poet of surprising genius, of astonishing sublimity, and extraordinary strength and richness of imagination.—In fertility of invention he yields to none but Homer.—His machinery however is far inferior to that of the ancient poet. The English bard discourses, perhaps, more art and refinement of thought; the Greek a poet more nature. The verification of the former is often affected, harsh, and turgid; the flowing numbers, and melodious verse of the latter, are grateful even to the ears of those who are ignorant of the Greek language. Homer transcends all other poets in animated scenes, and particularly in describing martial achievements; and also in a proper display of characters. In these respects, Milton, as

an epic poet, is very deficient. His allegorical personages, Death and Sin are inadmissible in a good epic poem. Indeed according to the strict rules of criticism, it cannot be called an epic poem at all. If Adam be the Hero, the poem is very ill conducted, for it terminates very unfortunately. It is certainly very unnatural, as well as contrary to poetic justice, to leave a virtuous character, after struggling with a variety of misfortunes, in a state of wretchedness. If Adam be not the hero (as Mr. Dryden observes) the Devil must be the hero, for he is the best supported character in the whole poem, and gains a triumph over Adam and all his posterity; for I presume no friend of the poet will venture to mention his *Paradise Regained*, as it would only disgrace the author to compare that with the *Iliad*. Besides, when we consider the early period in which Homer wrote, in which he could have no proper model or pattern for imitation; and that Milton frequently borrows both from Homer and Virgil; many passages being almost literally copied from the ancient poets; and that he makes a constant use of the heathen mythology as conducing to the beauty of his poetry—these things, I say, being considered, we may safely conclude, without detracting in the least from the real character of the prince of the English poets, that he must be content, without daring to encounter the noble Grecian bard. I will, however, admit, that in a few instances he equals Homer; but then, in many other respects, he is far inferior even to Virgil.—The rules of epic poetry, says the modern caviller, were originally drawn from Homer, and must therefore be in his favour. Why were they taken from Homer, I ask? was it not because his writings were perfectly agreeable to nature, as a celebrated modern poet observes,

“But when to examine every part he came,
Nature and Homer were he found the same.”

Let any impartial and candid critic (if such a thing can be found) compare the orations of Demosthenes and Cicero, with the most applauded specimens of oratory that have been delivered in modern times, & he must necessarily acknowledge, that instead of having excelled, they have fallen considerably short of equaling those two ancient orators.

It will readily be granted, that republican governments afford the best opportunities for displaying eloquence. For the most energetic, animated, perfusive, & pathetic orations among the moderns, we must, therefore, look to France and America, where we will find several orations, that discover a high degree of that daring, masculine spirit and enthusiastic ardor which once prevailed in the famous republics of Greece and Rome. But yet I can by no means allow that any of them are superior to those of Demosthenes and Cicero.—Methinks I hear some person exclaim—Is it not bigotry to be attached to those old authors? What were these ancients that we should extol them so highly? Were they a race of men superior to the moderns? Or were the climates of Greece and Rome peculiarly favourable to the production of genius?—To such hasty enquiries, I recommend the consideration of the three following circumstances.—1. That the ancient Greeks and Romans possessed a remarkably enterprising spirit, which for a long time displayed itself in an invincible and almost incredible ardor for military pursuits; and, that when the same spirit was directed, with equal enthusiasm, into the channel of literature, it could scarce fail of being equally successful.—2. The extreme attention, and indomitable industry which those distinguished writers, employed notwithstanding their poverty, in correcting & polishing their works, was also a circumstance which contributed, in a great measure, to their immortality.—“All the performances of human art, says the celebrated Dr. Johnson, at which we look with praise or wonder, are instances of the resolute force of perseverance: it is by this, that the quarry becomes a pyramid, and that distant countries are united by canals.”—3. Another circumstance of great importance, was the liberal and unparalleled encouragement given to those who distinguished themselves in the noble pursuits of literature.—When do we hear in modern times of a poet receiving two thousand pounds for sixteen

or twenty lines?—Pecuniary rewards were not the only incitements to genius; honours, preferments, and above all, the extraordinary veneration in which they were held by their countrymen, were most powerful stimulants to emulation—fanned the flame of genius—invigorated every exertion—and inspired their panting breasts with an unquenchable thirst for immortal fame. Far be it from me to deprecate the noble productions of the moderns, or to depris the aspiring spirit of any American youth whose breath throbs high with a glorious emulation,—whose manly soul indignant bursts from the barriers, and aspires towards the goal with heart elate, and rends asunder the shackles which the frozen-hearted critic would impose. For his encouragement, the book of nature still lies open, and spreads its ample folio, as resolute as ever with the richeſt stores.—Though a Homer and a Virgil have with unexampled affuity, employed their lives in the perusal, how many pages fraught with golden instruction yet remain unturned!—May we not yet hope for a Homer, to shine forth with superior splendor, from the embowering forests of Columbia?—We are however indebted to the ancients for the greatest part of the learning, as well as scientific knowledge we have at present amongst us. If we have in several branches of learning made considerable improvements, and in many respects, extended the limits of science, do these modern improvements entirely supersede the necessity of our being acquainted with them in their original state? Had not the classics been preferred during the dark and Gothic ages, in what condition should we now have been? Must probably groping in the benighted deserts of barbarism, and as devoid of the illuminating rays of science as the Turks and Tartars. Do we not then owe them a tribute of reverence and gratitude for the flock of knowledge with which they have furnished us? Certainly the least compliment we can pay them, is to read their works.—What can render the classic writings less estimable in our eyes, than in those of our ancestors? Is it because we have already stripped them of all their graces to adorn our own compositions, and do we do, in this respect, as a debauchee who when his appetite is satiated, and his desires obtained by fraudulent seduction, abandons his fair innocent, no longer dwells with rapture on her charms, but leaves her to the mercy of a calumniating world. Is the modern taste so vitiated? Are mankind become too effeminate to relish the beauties of a solid and manly eloquence?—I entertain too high an opinion of the republican spirit of my fellow citizens, to suppose that men, who in their ever memorable struggle for liberty, displayed such uncommon fortitude and firmness, should ever become so degenerate, as to prefer the meretricious ornaments, quaint and affected phrases of several modern writers, to the elegant simplicity, animated language, and masculine beauties of the ancient classics.

We may further remark, that those among the moderns, who have pursued the footsteps of the ancients, and imitated them the most closely, have succeeded the best & arrived the nearest to perfection; as Milton, Dryden, Pope, Addison, Swift, Bolingbroke, Shaftesbury, Montesquieu, Boileau, Cambry, Voltaire, Rousseau, with many others of equal eminence. Scarce a single instance can be produced in modern times, of any eminent poet, orator, historian, or shining character in any department of literature, who was not a classical scholar, and who has not strongly recommended the careful perusal of the ancient writers, to all his successors who should afterwards aspire to eminence.—“It is true, in the United States of America, where a general dissemination of political knowledge has for some time prevailed, two or three extraordinary geniuses have arisen, animated with an enthusiastic love for liberty, who ‘soared above the critic's law,’ & delivered orations worthy of Greece or Rome. Yet these great characters, though, perhaps, but little acquainted with the original languages, were fondly enamored of the Greek and Roman histories, read them in translations with uncommon avidity, stored their memories with useful facts, and thence caught that noble fire which burst forth in patriotic

names.—But even in this case, to assert that such men were nothing indebted to classical learning, would be false and absurd. They conversed with the polished classical scholars of the age—they read and studied the works of classical scholars, as in fact, they could hardly find any other writing worthy of their attention, and by their their rule was regulated, & their style improved.—The classic writings having been, from the very dawn of literature in modern Europe, esteemed the only models of true taste, have been imitated with such success, that a very great portion of their beauties have been borrowed, and have contributed in a great degree to enrich and adorn, not only the English language, but those of every other civilized nation. Hence it is, that a modern wit, with great aplomb, frequently delivers as his own, a thought, turn or expression of Horace or Cicero, inditing him by his auditors, or even by himself.—So even admitting that the moderns have in some instances, improved upon the ancient stock, by copying their beauties, and avoiding their faults; yet still the greater share of the glory redounds to the original authors. In the same manner as the inventors of the art of printing, do still retain the chief honor; though great improvements have since been made in the typographical art.—The case is the same with respect to the mariners compass, the invention of gunpowder, the discovery of unknown countries &c.—Though great additions have been made to the discovery of Columbus, he still retains the honorable appellation of the *Discoverer of the New World*. So, whatever merit the moderns claim above the ancients, still the praise of originality belongs to the latter as what the moderns are, the ancients made them to be. In short we may compare both to the two great luminaries of the firmament—the ancients like the sun, shine with native and unborrowed rays, the moderns as the moon, shine only by reflexion.

European Intelligence.

France.

FRENCH REPUBLIC.

In the tribunate, in the setting of March, the President read a letter from citizen Marce, Secretary of State, which informed the tribunate that the government was about to send a messenger from the council of state to communicate to them a new proclamation to the French, and two orders which had been issued.

After some time citizen Champigne was introduced in that capacity.

"Government, (said he,) always anxious to unite with you in whatever interest the prosperity and glory of the Republic, think it their duty to communicate to you their arrangements in circumstances so important as the present."

"The campaign is on the point of being opened; this is sufficient to inform you that peace is about to be made, either by the mere shew of war, or by the success of which it will be crowned. Have no doubt on this subject! citizens Tribunes."

"Peace is incessantly the object of anxious solicitude with the present government. They desire it; they promise it to the French people; they have offered it to the coalefied powers; if the latter, deaf to the voice of humanity and reason, persist in refusing it, the republic will prove to them that though the is dears of peace, she knows how to make war."

"Government have charged me to communicate the arrangements which they have made to begin, and carry on the war. It is they who speak, and in the proclamation addressed you will recognize the sentiments which animate, and the genius which inspires them." The orator here read the proclamation in these words:

PROCLAMATION Of the Consuls of the Republic to the French.

FRENCHMEN,

"You are desirous of peace; your government are desirous of it with still greater ardour. Their first wishes, their persevering measures, have been for peace. The English administration repels it; the English administration has betrayed the secret of its horrible policy. To ravage France, to destroy her marine and her ports, to efface her from the map of Europe, or to degrade her to the rank of secondary power; to keep all the nations of the continent divided, in order to get possession of the commerce of all, and to enrich herself by their spoils; it is to obtain these frightful success that England is prodigal of gold, profuse of promises and that multiplies intrigues.

But neither the gold, nor the promises, nor the intrigues of England, will change to her views the powers of the continent.

They have heard the wish of France, they know the moderation of the principles that guide her; they will listen to the voice of their interest.

"Were it otherwise, the government, which has not feared to offer and solicit peace, will remember that it is for you to command it. To command it we must have money, iron and soldiers.

"Let all make haste to pay the tribute which they owe to the common defence; let the young citizens march. It is no longer for factions—it is no longer for the choice of tyrants, that they are going to arm; it is for the guarantee of all that is most dear to them; it is for the honor of France; it is for the sacred interests of humanity and liberty. Already have the armies assumed that attitude, the pronunci and the preface of victory; at the sight of them; at the sight of the whole nation united in the same will, do not doubt, Frenchmen, that you will have any more enemies on the contest. The first consul has promised peace; he will go and conquer it at the head of those warriors whom he has more than once led to victory. With this he will know how to find again those fields still full of the remembrance, of their exploits; yet in the midst of battle, he will still invoke peace, and he fears to fight only for the happiness of France, and repose of the world!"

American Intelligence.

New Jersey.

ELIZABHTHTOWN, May 13.

From the N. Y. Mercantile Advertiser.

We this day continue our telegraph from London and Glasgow papers, to the 20th March, received at the office of the Mercantile Advertiser. From the situation of the Elbe, and the consequent interruption of the intercourse between England and that part of the continent which includes the empire of Germany, our accounts are necessarily French. Many important occurrences, it may therefore be presumed, are yet unknown to us; and many of the facts which have come to our knowledge, are doubtless injured by misrepresentation; but they are given to our readers exactly in the same state in which they were received by us.

We hinted yesterday, that the most vigorous preparations were making for opening the campaign in Europe; and we this day give ample details of those preparations.

The contending parties seem eager to cry "Havock, and let slip the dogs of war." One of our London paragraphs states that "the measures adopted on the part of France are distinguished by that promptitude and energy which are to be expected from a government so concentrated, so powerful, and (it might be added) so popular as that of the consulate. The desire of peace, he adds, is however, still heard in the midst of these imminent preparations; negotiations, it is stated continue to be carried on with the cabinet of Vienna; and the remarkable expression in Bonapart's answer to the orators of their tribunate, cannot escape the notice of our readers. *Every body of continental peace has not yet vanished.*"

Dijon, the chief town of the department of Cote d'Or, where 63,000 men are to be assembled under the immediate command of the first consul, is a position excellently chosen for an army of reserve. Its situation is central, between Savoy and the Rhine; and the troops collected there may be forwarded with equal facility to either of the frontiers on which the Austrians may appear in most considerable force.

The Vienna Gazette announces that the Ottoman Porte has declared to the house of Austria its intention to conclude a peace with the French republic.

Pennsylvania.

PHILADELPHIA, May 15.

ACTS

Passed during the late session of Congress, ending on Monday.

- An act to establish an uniform system of bankruptcy throughout the United States.
- An act authorizing the President of the United States, a cession of the jurisdiction of the lands to the west of Pennsylvania, commonly called the Western Reserve of Connecticut.
- An act to continue in force for a limited time the act entitled an act to prefer the mode of taking evidence in cases of contested election for members of the house of representatives of the United States, and to compel the attendance of witnesses.
- An act providing for the second census,

or the enumeration of the inhabitants of the United States.

5 An act to alter the form of certain oaths and affirmations directed to be taken by the act entitled, an act to provide for the second census, or the enumeration of the inhabitants of the United States.

6 An act supplementary to the act entitled an act to provide for the valuation of lands and dwelling houses, and for the enumeration of slaves within the United States.

7 An act to authorize the sale and conveyance of lands in certain cases by the marshals of the United States, & to confirm former sales.

8 An act to equalize the valuation of unfeasted lands.

9 An act to enlarge the powers of surveyors of the revenue.

10 An act to continue in force the 2d entitled an act laying duties on mills and implements in the manufacture of flour.

11 An act to continue in force the act entitled an act laying an additional duty on salt imported into the United States and for other purposes.

12 An act to retain a further sum on drawbacks for the expenses incident to the allowance of payment thereof, and in lieu of stamp duties on debentures.

13 An act to lay additional duties on certain articles imported.

14 An act to divide the territory of the United States North West of the Ohio into two separate governments.

15 An act further to fulfil the commercial intercourse between the United States and France and the dependencies thereof.

16 An act providing for salvage in case of re-capture.

17 An act for suspending in part the act entitled an act to augment the army of United States, and for other purposes.

18 An act supplementary to the act entitled an act for suspending in part the act entitled an act to augment the army of the United States, and for other purposes.

19 An act to continue in force the act entitled an act to authorize the defense of the merchant vessels of the United States against French depredations.

20 An act for regulating public arsenals and magazines.

21 An act for the better government of the navy of the United States.

22 An act for continuing in force the act entitled an act to provide for mitigating or remitting the forfeitures, penalties or disabilities occurring in certain cases therein mentioned.

23 An act to establish a general stamp office at the seat of government.

24 An act declaring the assent of Congress to certain acts of the states of Maryland and Georgia.

25 An act to continue in force an act concerning certain fisheries and for the regulation and government of the fishermen employed therein, and for other purposes therein mentioned.

26 An act to allow drawbacks on goods exported to New-Orleans, and therefore to amend the act for the collection of duties on import and tonnage.

27 An act to provide for the rebuilding the light-house at New-London; for the support of a light-house at Clark's point; and for the erection and support of a light-house at Wigwam point.

28 An act to establish the district of Kennebunk and to annex Lymo to New-London, to alter the district of Bermuda Hundred and City point, and therein to amend the act entitled an act for regulating the collection of duties on imports and tonnage.

29 An act for the relief of John Vaughan.

30 An act for the relief of Campbell Smith.

31 An act to discharge Robert Sturgeon from his confinement.

32 An act for the relief of James Yard.

33 An act for the relief of the corporation of Rhode-Island college,

34 An act for the relief of Ithamar Canfield.

35 An act to authorize the allowance of a creditor to William Tazewell.

36 An act directing the payment of a detachment of militia, under the command of major Thomas Johnston, in the year 1794.

37 An act to extend the privilege of franking letters and packages to Martha Washington.

38 An act to make further provision for the children of colonel John Harding, and major Alexander Trueman, deceased.

39 An act for the relief of persons imprisoned for debt.

40 An act to extend the privilege of franking to William H. Harrington, a delegate from the territory of the United States N. W. of the Ohio, and providing for his compensation.

41 An act to fix the compensation of the pay-mater general and the adjutants to the adjutants general.

42 An act supplementary to the law now in force, fixing the compensation of the officers of the senate and house of representatives.

43 An act supplementary to the act entitled an act to establish the compensation of the officers employed in the collection of their duties on imports & tonnage and for other purposes.

44 An act to ascertain the compensation of public ministers.

45 An act fixing the rank and pay of the commanding officer of the corps of marines.

46 An act for the support of government for the year 1800.

47 An act authorizing certain expenditures and to make certain additional appropriations for the year 1800.

48 An act making appropriation for the military establishment for the year 1800.

49 An act making appropriation for the navy of the United States for the year 1800.

50 An act to enable the President of the United States to borrow money for the public service.

51 An act making further provision for the removal and accommodation of the government of the United States.

52 An act giving further time to the holders of military warrants to register and locate the same.

53 An act to amend the act entitled an act providing for the sale of the lands of the United States N. W. of the river Ohio, and above the mouth of Kentucky river.

54 An act to authorize the issuing of certain patents.

55 An act in addition to the act entitled an act regulating the grants of lands, appropriated for military services, and for the society of the United Brethren, for propagating the gospel among the heathen.

56 An act supplementary to the act entitled an act to regulate trade and intercourse with the Indian tribes & to prefer peace on the frontiers.

57 An act to make provisions relative to rations for Indians, and for their visits to the seat of government.

58 An act to appropriate a certain sum of money to defray the expence of holding a treaty or treaties with the Indians.

59 An act for the preservation of peace with the Indian tribes.

60 An act reflecting the mint.

61 An act supplementary to the act establishing the mint, and regulating the coins of the United States.

62 An act in addition to the act entitled an act to prohibit the carrying on the slave trade from the United States, to any foreign place or country.

63 An act to amend an act entitled an act to establish the judicial courts of the United States.

64 An act supplementary to the act entitled an act to establish the treasury department.

65 An act to continue in force the act entitled an act for the punishment of certain crimes against the United States.

66 An act to alter the times of holding the district court of North-Carolina.

67 An act to extend the privilege of obtaining patents for useful discoveries and inventions to certain persons therein mentioned; and to enlarge and define the penalties for violating the rights of patentees.

68 An act to alter and establish fundy post-roads.

69 An act for reviving and continuing suits and proceedings in the circuit court of the United States, for the district of Pennsylvania.

70 An act appointing the time and directing the place for the next meeting of congress.

On Tuesday the senate of the United States introduced into the bill in relation to the military establishment an amendment disbanding the army; and on Wednesday the house of representatives concurred therein.

The senate previous to their adjourn-

ment yesterday afternoon, passed a resolution requesting the president of the United States to direct the attorney general to institute a process against William Duane, editor of the Aurora.

APPOINTMENTS—BY AUTHORITY.

John Marshall, esq. of Virginia, secretary of state, in the place of Timothy Pickering, esq. removed.

Samuel Dexter, esq. of Massachusetts, secretary of the department of War, in the place of John Marshall, esq. promoted to the office of state.

Israel Whelen, esq. of Pennsylvania, purveyor of public supplies for the United States, in the place of Tench Francis, esq. deceased.

William Henry Harrison, esq. delegate to congress from the North-Western territory, to be governor of the Indiana territory.

Gen. John Gibson, of Pennsylvania, secretary of the Indiana territory.

Charles Lee now attorney general of the United States, has been appointed to execute the duties of the secretary of state, until the present vacancy shall be filled.

The house of representatives of the United States adjourned yesterday to the third Monday in November next, then to meet at the city of Washington, in the district of Columbia.

It appears that the late English papers that the emperor of Germany is dangerously ill; and that the Chouans are again in force, and have cut off the communications between Brest and Paris.

Yesterday arrived at the Fort, the brig Eliza, from Leghorn. Previous to the Eliza's arrival, it was reported, that lord Nelson, had captured a French 80 gun ship, and three other French ships, with 3500 troops on board, going into Malta. The Colloden, 74, commodore Trowbridge, received several shot in her hull, in cutting off the vessels, but no lives lost.

The siege of Genoa still continued—the Aufrians blockading it by land, and the British by sea.

Lexington, June 12.

About the tenth instant, two Indians came into the settlement on Flim Creek, above Fort Blount, and stole two horses; they were perfided by six men till they came near Tennessee river, where four of their horses gave out; the other two followed on to the river, where they discovered the Indians, fired on them, killed one, and wounded the other. The pursuers recovered their horses and returned home.

We understand, that through the mediation of capt. Lewis, the difference between the Cherokees and Chickasaws (as mentioned in a former paper) is amicably settled.

(Tennessee Gazette.)

A half sheet of the *News of the United States* accompanies this paper.

Entertainment for Travellers.

THE subscriber having opened a house of entertainment, near the residence of Major Lee on the road from Lee's Landing to Frankfort, having a ready convenience to accommodate his customers, to receive a share of the public patronage. He is provided with good Fare, Hay, Oats and Corn, for horses—And Travellers may depend when supplied with good Liquors, the best of Tables, and comfortable Bedding.

I. Person.

June 9th, 1800.

The Tavern is situated about half way between Lexington and Frankfort.

NOTICE.

I HEREBY forewarn all perfons from crediting my wife Elizabeth, as I will pay no debts of her contracting after this date.

Philip Nagley.

June 5th, 1800.

TAKEN up by the subscriber, living in Woodford county, on the Kentucky river, about one mile below the mouth of Geers creek, a dun colored Bay Mare, about four feet eight or nine inches high, about eight or nine years old, branded with a horse head on the left rib, with a small blaze in her forehead, appraised to 130. Edward Trabue.

February 13th, 1800.

NOTES TO SELL.

ON Friday the 27th of this inst. will be offered for sale, a number of VALUABLE SLAVES, at Mr. Samuel Whitmack's mill, in the county of Bourbon—one half a mile from the town of Cynthiana, in the neighborhood of Cynthiana, the other half in road Horses, at cash price.

The slaves will consist of men, women, boys and girls—an undoubted title will be made, if required, by Henry Bell.

June 9th, 1800.

TAKEN up by the subscriber, living in Frankfort, at Douglass's mill, a bay mare, with a blaze face, four years old this spring, no brand, about four feet eleven inches high, pointed, and appraised to 91.

Josbua Hall.

April 18, 1800.

STRAYED or stolen, from the subscriber, living in Frankfort, a black mare, the head brand from Windmill to Mount Sterling, about the middle of October last, a likely BLACK HORSE, about fifteen hands high, four years old this spring, neither docked or branded, both hind feet high, her tail docked, together with a brand on the withers, which brand on the back, hangs when he walks off, about a six furlong bell. TWENTY DOLLARS REWARD will be given to any person who will bring the said horse to the subscriber, or give such information that I shall get him again.

* 1

Wm. Haynie.

TAKEN up by the subscriber, living in Woodford county, near Florman's mill, a bay mare, about thirteen hands three inches high, foal to be eight or nine years old, has a star in her forehead, near hind foot white, no brands perceptible, appraised to 81.

Rd. M. Thomas.

April 7th, 1800.

TAKE NOTICE.

JACOB STEARNS, shall attend with his wife, on the first day of July next, at the house of Robert Clelandin, in Bourbon county, one mile east of Thornback's mill, to take the depositions of several witnesses, and perfect testimony respecting his pre-emption of one thousand acres, on the waters of Stearne's creek.

William Campbell.

9th June, 1800.

(late of KNOXVILLE.)

RESPECIALLY inform the public, that he has removed to Nashville, where he has commenced TAVERN-KEEPING,

In the house formerly occupied by Mr. Lewis and John Johnson, No. 10, Market street; who will please to call on him may depend upon receiving the best entertainment the situation of the country and market will afford.

Nashville, April 29, 1800.

AN AWAY from the subscriber, (on the 7th instant) living in Frankfort, a black mare, named LATTA, with a white name, appraised to 120. This mare has a short, thick lip, and a very bony head, about six feet five inches high. If any person or persons should take up the said Negro, and will secure her, to that owner gets her again, they shall be handsomely rewarded.

Martin Clay.

June 9th, 1800.

WASHINGTON COUNTY, Esq.

June Quarterly Court, 1800.

James McElroy, complainant,

against

John I. Vines, defendant,

IN CHANCERY.

THE defendant not having entered his appearance herein agreeable to law, and the plaintiff having applied to the factitious of the court that he is not an inhabitant of this state; on the motion of the complainant by his counsel, it is ordered that he do appear here on the first Tuesday in August next, and answer the plaintiff's bill, and that a copy of this order be published in one of the Kentucky papers for two months successively, and published at the Baptist meeting house near Robert Chandler's former Sunday immediately after divine service, and also a copy to be posted up at the door of the court-house in Washington county.

A. Copy.

John Reed C. W. C.

DANVILLE DISTRICT, Esq.

May term, 1800.

Andrew McCallin, complainant,

against

Adam Traxell, Hugh McDermitt and Edward Northcroft, defendants,

IN CHANCERY.

THE defendant Traxell having failed to appear in his proper suit, and to the rules of the court, and it appearing to the factitious of the court that he is not an inhabitant of this state; on the motion of the complainant by his counsel, it is ordered that he do appear here on the 3d day of the next August term, and answer the plaintiff's bill, and that a copy of this order be published in one of the Kentucky papers for two months successively, another copy published at the court-house door, and a third copy published at the Danville meeting house door, some Sunday immediately after divine service.

A. Copy.

Willis Green, C. D. D. C.

DANVILLE DISTRICT, Esq.

May term, 1800.

Andrew McCallin, complainant,

against

John Traxell and Hugh McDermitt, defendants,

IN CHANCERY.

THE defendant Traxell having failed to enter his appearance herein agreeable to law, and the plaintiff having applied to the factitious of the court that he is not an inhabitant of this state; on the motion of the complainant by his counsel, it is ordered that he do appear here on the 3d day of the next August term, and answer the plaintiff's bill, and that a copy of this order be published in one of the Kentucky papers for two months successively, another copy published at the court-house door, and a third copy published at the Danville meeting house door, some Sunday immediately after divine service.

A. Copy.

Willis Green, C. D. D. C.

TAKEN up by the subscriber, living near the head of Carpenter's creek, a fore mare, about twelve hands and an half high, a black face, her off hind foot white, branded thus on the near shoulder, very old, appraised to 81.

John McElroy.

April 19th, 1800.

NOTICE.

THAT on the 14th of this inst. being Friday last, Thomas Miller, a black horse, proved a fore horse which was put in the tray-pen, to be the property of Gen. Miller—on further examination it appeared that the said Sevengant was mistaken, as the horse was very much alike. The horse is now in my possession; he is a fore horse, a black face, about twelve hands and an half high, a black face, her off hind foot white, branded thus on the near shoulder, very old, appraised to 81.

John McElroy.

April 18, 1800.

* 1

Jacob Colvin.

JUST RECEIVED
FROM PHILADELPHIA & BALTIMORE,
AND NOW OPENED BY
JOHN A. SEITZ,

At the front house at the corner of Main and Mill

streets, formerly occupied by Seitz & Lauman,

and lately by Mr. John Jordan jun.

AN EXTENSIVE ASSORTMENT OF

MERCHANDISE,

CONSISTING OF

Dry Goods; Groceries; Hard, Glass,

Queens & China Wares;

Almond, Currant, &c.

Salt, Cattails, Nails, Bar-Tin, &c. &c.

which will be sold cheap for CASH, or such COTTON.

Those who have accounts with the late firm

of SEITZ & LAUMAN, yet unsettled, are again solicited to come forward and close them, as they may prove very injurious both to the debtor and creditor.

1 Lexington, June 34, 1800.

FOUR DOLLARS REWARD,

FOR apprehending, bringing home, & securing

in gaol, a Mulatto Man, named PHIL, formerly

the property of Mr. Innis Brent, of Lexington.

He has been caught once, twice, he left home,

and has made his escape—he is lurking about in

the neighborhood of this place.

Richard Higgins,

tf near Lexington.

Lexington, June 34, 1800.

PROPOSALS

FOR PRINTING & PUBLISHING,

THE GENERAL INSTRUCTOR:

OR THE

Office, Duty & Authority,

of

JUSTICES OF THE PEACE, SHERIFFS, COR-

ONERS & CONSTABLES,

IN THE

STATE OF KENTUCKY;

With precedents suited to every case that

can possibly arise in either of those offices,

under the laws now in force, with

references to the laws out of which

they do arise.

There will be given in this work, upwards of 200,

Precedents, consisting of Forms of Attachments,

Bonds in Special Cases, Bills, Challenges, Charges,

Indictments, &c. &c. &c. &c. &c. &c. &c. &c.

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Sec. 42. *And be it further enacted*, That where it shall appear to the said commissioners that there hath been mutual credit given by the bankrupt, and any other person, or mutual debts between them at any time before such person became bankrupt, the assignee or assignees of the estate shall state the account between them, and one debt may be set off against the other, and what shall appear to be due on either side on the balance of such account after such set off, and no more, shall be claimed or paid on either side respectively.

Sec. 43. *And be it further enacted*, That it shall and may be lawful to and for the assignee or assignees of any bankrupt's estate and effects, under the direction of the commissioners, and by and with the consent of the major part in value of such of the said bankrupt's creditors, as shall have duly proved their debts under the commission, and shall be present at any meeting of the said creditors, to be held in pursuance of due and public notice for that purpose given, to submit any difference or dispute for, on account of, or by reason or means of, any matter, cause or thing whatsoever, relating to such bankrupt, or to his or her estate or effects, to the final end and determination of arbitrators to be chosen by the said commissioners, and the major part in value of such creditors as shall be present at such meeting as aforesaid, and the party or parties with whom they shall have such difference or dispute, and to perform the award of such arbitrators, or otherwise to compound and agree the matter in difference and dispute as aforesaid, in such manner as the said assignee or assignees under the direction and with the consent aforesaid, shall think fit and can agree: and the same shall be binding on the several creditors of the said bankrupt, and the said assignee or assignees are hereby indemnified for what they shall fairly do according to the directions aforesaid.

Sec. 44. *And be it further enacted*, That the assignees shall be, and hereby are vested with full power to dispose of all the bankrupt's estate real and personal at public auction or vendue, without being subject to any tax, duty, imposition, or restriction any law to the contrary notwithstanding.

Sec. 45. *And be it further enacted*, That if after any commission of bankruptcy, sued forth, the bankrupt happen to die before the commissioners shall have distributed the effects, or any part thereof, the commissioners shall, nevertheless, proceed to execute the commission, as fully as they might have done if the party were living.

Sec. 46. *And be it further enacted*, That where any commission of bankruptcy shall be delivered to the commissioners, therein named, to be executed, it shall and may be lawful for them before they take the oath or affirmation of qualification, to demand and take from the creditor, or creditors prosecuting such commission, a bond with one good security, if required, in the penalty of one thousand dollars, conditioned for the payment of the costs, charges, and expenses, which shall arise and accrue upon the prosecution of the said commission: *Provided always*, That the expenses, so as aforesaid to be secured and paid by

Offsets to be allowed.

Assignees may, with consent of the commissioners, &c. agree to a reference & compromise.

Bankrupt's estate may be disposed of at public auction, without paying duty, &c.

What is to be done if the bankrupt die, pending the proceeding.

Commissioners may demand security for the expenses of the commission.

the petitioning creditor or creditors, shall be repaid to him ^{or} them by the commissioners or assignees, out of the first monies arising from the bankrupt's estate or effects, if so much be received therefrom.

District judge to fix the compensation to the commissioners. Sec. 47. *And be it further enacted,* That the district judges, in each district respectively, shall fix a rate of allowance to be made to the commissioners of bankruptcy, as compensation of services to be rendered under the commission, and it shall be lawful for any creditor, by petition to the district judge, to except to any charge contained in the account of the commissioners: And the said judge, after hearing the commissioners, may in a summary way decide upon the validity of such exception.

Penalties how recovered and appropriated. Sec. 48. *And be it further enacted,* That all penalties, given by this act for the benefit of the creditors, shall be recovered by the assignee or assignees by action of debt, and the money so recovered, the charges of suit being deducted, shall be distributed towards payment of the creditors.

General issue and double costs provided for defendants who acted under the commission. Sec. 49. *And be it further enacted,* That if any action shall be brought against any commissioner, or assignee, or other person, having authority under the commission, for any thing done or performed by force of this act, the defendant may plead the general issue, and give this act and the special matter in evidence; and in case of a non-suit, discontinuance, or verdict or judgment for him, he shall recover double costs.

Property coming to the bankrupt before he obtains a certificate, to be vested in the commissioners. Sec. 50. *And be it further enacted,* That if any estate real or personal shall descend, revert to, or become vested in any person, after he or she shall be declared a bankrupt, and before he or she shall obtain a certificate, signed by the judge as aforesaid, all such estate shall, by virtue of this act, be vested in the said commissioners, and shall be by them assigned and conveyed to the assignee or assignees in fee simple, or otherwise, in like manner as above directed, with the estate of the said bankrupt, at the time of the bankruptcy, and the proceeds thereof shall be divided among the creditors.

Proceedings of the commissioners to be filed in the office of the clerk of the district, &c. Sec. 51. *And be it further enacted,* That the said commissioners shall, once in every year, carefully file in the clerk's office of the district court, all the proceedings had in every case before them, and which shall have been finished, including the commissions, examinations, dividends, entries, and other determinations of the said commissioners, in which office, the final certificate of the said bankrupt may also be recorded; all which proceedings shall remain of record in the said office, and certified copies thereof shall be admitted as evidence in all courts in like manner as the copies of the proceedings of the said district court are admitted in other cases.

Creditors may attend the examinations of the bankrupt and the allowance of the certificate. Sec. 52. *And be it further enacted,* That it shall and may be lawful for any creditor of such bankrupt, to attend all or any of the examinations of said bankrupt, and the allowance of the final certificate, if he shall think proper, and then and there to propose interrogatories, to be put by the judge or commissioners to the said bankrupt and others, and also to produce and examine witnesses and documents before such judge or commissioners, re-

lative to the subject matter before them. And in case either the bankrupt or creditor shall think him or herself aggrieved by the determination of the said judge or commissioners, relative to any material fact, in the commencement or progress of the said proceedings, or in the allowance of the certificate aforesaid, it shall and may be lawful for either party to petition the said judge setting forth such facts and the determination thereon, with the complaint of the party, and a prayer for trial by a jury to determine the same, and the said judge shall, in his discretion, make order thereon, and award a *venire facias* to the marshal of the district, returnable within fifteen days before him, for the trial of the facts mentioned in the said petition, notice whereof shall be given to the commissioners and creditors concerned in the same; at which time the said trial shall be had, unless, on good cause shewn, the judge shall give farther time, and judgment being entered on the verdict of the jury, shall be final, on the said facts, and the judge or commissioners shall proceed agreeably thereto.

Trial by jury may be had in relation to certain facts.

Sec. 53. *And be it further enacted*, That the commissioners before the appointment of assignees, and the assignees after such appointment, may from time to time make such allowance out of the bankrupt's estate until he shall have obtained his final discharge, as in their opinion may be requisite for the necessary support of the said bankrupt and his family.

Allowance to the bankrupt, pending the proceedings.

Sec. 54. *And be it further enacted*, That it shall be lawful for the major part in value of the creditors, before they proceed to the choice of assignees, to direct in what manner, with whom, and where the monies arising by, and to be received from time to time out of the bankrupt's estate, shall be lodged, until the same shall be divided among the creditors, as herein provided; to which direction every such assignee and assignees shall conform as often as three hundred dollars shall be received.

Creditors may direct where the money shall be deposited.

Sec. 55. *And be it further enacted*, That every matter and thing by this act, required to be done by the commissioners of any bankrupt, shall be valid to all intents and purposes, if performed by a majority of them.

Majority of the commissioners may act.

Sec. 56. *And be it further enacted*, That in all cases where the assignees shall prosecute any debtor of the bankrupt for any debt, duty or demand, the commission, or a certified copy thereof, and the assignment of the commissioners of the bankrupt's estate, shall be conclusive evidence of the issuing the commission, and of the person named therein, being a trader and bankrupt, at the time mentioned therein.

The commission shall be evidence of the party being a bankrupt, &c.

Sec. 57. *And be it further enacted*, That every person obtaining a discharge from his debts, by certificate as aforesaid, granted under a commission, of bankruptcy, shall not, on any future commission, be entitled to any other certificate than a discharge of his person only; unless the nett proceeds of the estate and effects of such person so becoming bankrupt a second

Effect of a discharge under a second commission.

time, shall be sufficient to pay seventy-five per cent, to his or
 Claims of her creditors on the amount of their debts respectively.
 creditors
 may be tried
 by jury.

Sec. 58. *And be it further enacted*, That any creditor of a person, against whom a commission of bankruptcy shall have been sued forth, and who shall lay his claim before the commissioners appointed in pursuance of this act, may at the same time declare his unwillingness to submit the same to the judgment of the said commissioners, and his wish that a jury may be impanelled to decide thereon: And in like manner the assignee or assignees of such bankrupt may object to the consideration of any particular claim by the commissioners, and require that the same should be referred to a jury. In either case, such objection and request shall be entered on the books of the commissioners, and thereupon an issue shall be made up between the parties, and a jury shall be impanelled, as in other cases, to try the same in the circuit court for the district in which such bankrupt has usually resided. The verdict of such jury shall be subject to the controul of the court, as in suits originally instituted in the said court, and when rendered, if not set aside by the court, shall be certified to the commissioners, and shall ascertain the amount of any such claim, and such creditor or creditors shall be considered in all respects as having proved their debts under the commission.

Sec. 59. *And be it further enacted*, That the lands and effects of any person becoming bankrupt may be sold on such credit, and on such security, as a major part in value of the creditors may direct: *Provided*, nothing herein contained shall be allowed so to operate, as to retard the granting the bankrupt's certificate.

Sec. 60. *And be it further enacted*, That if any person becoming bankrupt, shall be in prison, it shall be lawful for any creditor or creditors, at whose suit he or she shall be in execution, to discharge him or her from custody, or if such creditor or creditors shall refuse to do so, the prisoner may petition the commissioners to liberate him or her, and thereupon, if, in the opinion of the commissioners, the conduct of such bankrupt shall have been fair, so as to entitle him or her in their opinion, to a certificate, when by law such certificate might be given, it shall be lawful for them to direct the discharge of such prisoner, and to enter the same in their books, which being notified to the keeper of the gaol in which such prisoner may be confined, shall be a sufficient authority for his or her discharge: *Provided*, That in either case, such discharge shall be no bar to another execution, if a certificate shall be refused to such bankrupt: *And provided also*, That it shall be no bar to a subsequent imprisonment of such bankrupt by order of the commissioners, in conformity with the provisions of this act.

How far. Sec. 61. *And be it further enacted*, That this act shall not repeal or annul, or be construed to repeal or annul the laws of any state now in force, or which may be hereafter enacted, for the relief of insolvent debtors, except so far as the same may respect persons, who are, or may be clearly within the

purview of this act, and whose debts shall amount in the cases specified in the second section thereof to the sums therein mentioned. And if any person within the purview of this act shall be imprisoned for the space of three months, for any debt, or upon any contract, unless the creditors of such prisoner shall proceed to prosecute a commission of bankruptcy against him or her, agreeably to the provisions of this act, such debtor may and shall be entitled to relief, under any such laws for the relief of insolvent debtors, this act notwithstanding.

Sec. 62. *And be it further enacted*, That nothing contained in this law shall, in any manner affect the right of preference to prior satisfaction of debts due to the United States as secured or provided by any law heretofore passed, nor shall be construed to lessen or impair any right to, or security for, money due to the United States or to any of them.

Saving of the rights of the U. S. and of each state to their debts.

Sec. 63. *And be it further enacted*, That nothing contained in this act shall be taken, or construed to invalidate, or impair any lien existing at the date of this act, upon the lands or chattels of any person who may have become a bankrupt.

Saving of existing liens.

Sec. 64. *And be it further enacted*, That this act shall continue in force during the term of five years, and from thence to the end of the next session of Congress thereafter, and no longer: *Provided*, That the expiration of this act shall not prevent the complete execution of any commission which may have been previously thereto issued.

Limitation of this act.

THEODORE SEDGWICK,
Speaker of the House of Representatives.
TH: JEFFERSON,
*Vice-President of the United States, and
President of the Senate.*

APPROVED—April 4, 1800.

JOHN ADAMS,
President of the United States.

CHAPTER XX.

An ACT to discharge Robert Sturgeon from his imprisonment.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the keeper of the prison in Lewistown, county of Mifflin, and state of Pennsylvania, be, and he is hereby authorized and directed to release Robert Sturgeon from imprisonment, on a process, in favor of the United States, by virtue of which he is now imprisoned: *Provided*, He obtains and produces to him the said keeper, a certificate from the Secretary of the Treasury, that he the said Robert has assigned and conveyed all his estate, real and personal, in his possession, or to which he is entitled to some person, or persons, for the use of the United States, under the direction and to the satisfaction of the secretary of the Treasury, which certificate shall be sufficient authority for the

keeper of said prison to release said Robert, so far as he is holden, by virtue of said process, in favor of the United States.

And provided also, That the judgment obtained, or to be obtained on said process, shall remain in full force against any estate the said Robert may hereafter acquire.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate,*

APPROVED—April 5, 1800

JOHN ADAMS,

President of the United States.

CHAPTER XXI.

An ACT to allow a drawback of duties on goods exported to New-Orleans, and therein to amend the act entitled "An act to regulate the collection of duties on imports and tonnage."

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any goods, wares or merchandize, which shall be exported from the United States, after the tenth day of April current, in the manner prescribed by law, to the port of New-Orleans, on the river Mississippi, shall be deemed and taken to be entitled to such drawbacks of duties as would be allowable thereon, when exported to any other foreign port or place, any thing in the act intituled "An act to regulate the collection of duties on imports and tonnage," to the contrary hereof notwithstanding.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate,*

APPROVED—April 5, 1800.

JOHN ADAMS,

President of the United States,

CHAPTER XXII.

An ACT to continue in force "An act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein," and for other purposes as therein mentioned.

Sec. 1. BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act intituled "An act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein," shall be in force and is hereby continued for the term of ten years, from the